

Message Text

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E. O. 11652 N/ A

TAGS: TSPA, XG

SUBJ: POST APOLLO SPACELAB NEGOTIATIONS

REF: LONDON 07163

1. TEXT OF AIDE MEMOIRE DELIVERED BY FRG ON BEHALF OF
EUROPEAN GOVERNMENTS IN WASHINGTON JUNE 5 FOLLOWS.

2. QUOTE THE EUROPEAN GOVERNMENTS, WHOSE REPRESENTATIVES
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PARTICIPATED IN THE NEGOTIATIONS WITH THE US GOVERNMENT IN WASHINGTON ON 3 AND 4 MAY 1973, ON AN AGREEMENT FOR A COOPERATIVE PROGRAMME CONCERNING THE DEVELOPMENT, PROCUREMENT AND USE OF A SPACE LABORATORY IN CONJUNCTION WITH THE SPACE SHUTTLE SYSTEM, HAVE EXAMINED THE DRAFT TEXT DRAWN UP AFTER THESE NEGOTIATIONS. WHILE RECOGNISING THAT PROGRESS WAS MADE, THEY NEVERTHELESS FEEL THAT THE TEXT STILL REQUIRES A NUMBER OF IMPROVEMENTS BEFORE IT CAN BE CONSIDERED SATISFACTORY.

3. IN THEIR VIEW, THE COOPERATIVE PROGRAMME WILL CONSTITUTE AN IMPORTANT STEP TOWARDS THE EXTENSION OF US/ EUROPEAN COLLABORATION IN THE EXPLORATION AND USE OF SPACE, BUT THEY CONSIDER THAT THEIR SIGNIFICANT FINANCIAL CONTRIBUTION AND THE CONSIDERABLE RISKS THEY WOULD BEAR IN THIS JOINT VENTURE ARE NOT ADEQUATELY RECOGNISED IN THE PRESENT DRAFT AGREEMENT.

4. THE EUROPEAN GOVERNMENTS ARE DISAPPOINTED AT THE REFUSAL OF THE US GOVERNMENT TO IMPROVE THE PROVISION CONCERNING THE ACCESS TO TECHNOLOGY NOT DIRECTLY LINKED TO THE DEVELOPMENT OF THE SPACELAB. THEY UNDERSTAND THE REASONS FOR THE US ATTITUDE, BUT WISH TO GIVE NOTICE THAT THEY MAY REVERT TO THIS ISSUE AT A FUTURE DATE. THIS APART, THERE ARE A NUMBER OF POINTS WHICH THE EUROPEAN GOVERNMENTS WISH PARTICULARLY TO DRAW TO THE ATTENTION OF THE US GOVERNMENT. AN APPROPRIATE SOLUTION TO THESE PROBLEMS WOULD CONSTITUTE A DETERMINING FACTOR FOR THE FINAL POSITION OF SOME EUROPEAN GOVERNMENTS WITH REGARD TO THE DRAFT AGREEMENT.

1. THE EUROPEAN GOVERNMENTS REGRET THAT THE US DELEGATION HAS SO FAR BEEN UNABLE TO GIVE AN UNQUALIFIED COMMITMENT TO MAKE THE SHUTTLE AVAILABLE FOR EUROPEAN SPACELAB MISSIONS (ARTICLE 7 A). THEY FEEL THAT SINCE THE INTEGRITY OF THE OVERALL OPERATION AND MANAGEMENT OF THE WHOLE SYSTEM IN ANY CASE WILL BE ENTRUSTED TO THE US GOVERNMENT (NASA) TO A HIGH DEGREE, FURTHER GENERAL RESTRICTIONS COMMITMENT TO HAVE UNCONDITIONAL ACCESS AND USE OF THE SHUTTLE AT LEAST WHEN IT IS USED FOR LIMITED OFFICIAL USE

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EUROPEAN SPACELAB MISSIONS. IT IS THEREFORE SUGGESTED TO MODIFY THE DRAFT OF ARTICLE 7 A BY DELETING THE REFERENCE TO US POLICY IN CONNECTION WITH MISSIONS OF THE SHUTTLE WITH THE SPACELAB.

2. THE EUROPEAN GOVERNMENTS WOULD WISH TO SEE THE CONCEPT OF A LONG- TERM JOINT VENTURE, WHICH

CONSTITUTED THE BASIS OF THEIR COMMITMENTS,
BETTER REFLECTED IN THE FOLLOWING CLAUSES:

(A) SINCE THE EXPLOITATION PERIOD WILL PROBABLY
LAST WELL INTO THE LAST DECADE OF THIS CENTURY,
THEY PROPOSE TO PROVIDE FOR THE FOLLOWING
PROCEDURE FOR THE PROLONGATION OF THE AGREEMENT
(ARTICLE 16):

THE AGREEMENT WOULD BE CONCLUDED FOR A FIRST
PERIOD OF AT LEAST FIVE YEARS FROM THE DATE
OF THE FIRST FLIGHT OF THE SPACELAB. AT
THE END OF THIS PERIOD, THE AGREEMENT WOULD BE
AUTOMATICALLY RENEWED FOR A PERIOD OF THREE
YEARS EXCEPT IN CASE OF DENUNCIATION. AT THE
END OF THIS SECOND PERIOD, THE AGREEMENT COULD
BE RENEWED BY MUTUAL AGREEMENT FOR A FURTHER

PERIOD TO BE DETERMINED.

THE CONCEPT OF A JOINT VENTURE, AND THE RISKS
WHICH EUROPEAN GOVERNMENTS WOULD ASSUME, SEEM
TO JUSTIFY A FIRM AND LONG- TERM COMMITMENT
FROM THE US GOVERNMENT TO PROCURE SPACELABS
FROM EUROPE: THIS COMMITMENT SHOULD REMAIN VALID
FOR AS LONG AS EUROPEAN SPACELABS FULFILL THE
CONDITIONS SET OUT IN THE AGREEMENT.

(B) THE CLAUSE ON THE CONTINUATION OF SPACE
COOPERATION BEYOND THE DEVELOPMENT OF THE
SPACELAB (ARTICLE 5 (6)) SHOULD BE REINFORCED.
THIS COULD BE DONE BY A WORDING WHICH PROVIDES
FOR INFORMING THE EUROPEAN PARTNERS " WITH A
VIEW TO EXPANDING AND EXTENDING THIS COOPERATION
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BEYOND THE PRESENT AGREEMENT".

3. THE EUROPEAN GOVERNMENTS WOULD WISH THAT THE
AIM OF AVOIDING SERIOUS IMBALANCE BETWEEN
EUROPE AND THE US IN THE RECIPROCAL PURCHASE
OF COMPONENTS WOULD BE RECOGNISED EXPLICITLY
IN REDRAFTING THE TEXT OF ARTICLE 6 OF THE
DRAFT AGREEMENT.

4. THE EUROPEAN GOVERNMENTS WOULD WELCOME,
IN THIS AREA, THE ESTABLISHMENT OF MUTUALLY-
AGREED STANDARDS TO GOVERN THE TERMS AND CON-
DITIONS OF COMMERCIAL USE, OR AT LEAST A
SUFFICIENT HARMONISATION OF THE RESPECTIVE

POLICIES.

5. THE EUROPEAN GOVERNMENTS WOULD WISH TO
REPLACE, IN ARTICLE 14(C), THE CONCEPT OF
PROVISIONAL ENTRY INTO FORCE BY " PROVISIONAL
APPLICATION".

5. THE EUROPEAN GOVERNMENTS WOULD LIKE TO REQUEST THE US
GOVERNMENT TO RECONSIDER THE POSITION SO FAR TAKEN
BY THE US DELEGATION ON THESE ISSUES IN ORDER TO OPEN
THE WAY FOR THE FINALISATION OF THE AGREEMENT. UNQUOTE.
ROGERS

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*** Current Classification *** LIMITED OFFICIAL USE

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TAGS: TSPA, XG
To: BERN
BONN
BRUSSELS
COPENHAGEN
LONDON
MADRID
PARIS

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